

HB4698



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4698

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

815 ILCS 510/2

from Ch. 121 1/2, par. 312

Amends the Uniform Deceptive Trade Practices Act. Includes within the scope of the Act knowingly making a false or misleading statement in a privacy policy published on the Internet or otherwise distributed or published regarding the use of personal information submitted by members of the public.

LRB098 18438 JLS 53575 b

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Uniform Deceptive Trade Practices Act is
5 amended by changing Section 2 as follows:

6 (815 ILCS 510/2) (from Ch. 121 1/2, par. 312)

7 Sec. 2. Deceptive trade practices.

8 (a) A person engages in a deceptive trade practice when, in
9 the course of his or her business, vocation, or occupation, the
10 person:

11 (1) passes off goods or services as those of another;

12 (2) causes likelihood of confusion or of
13 misunderstanding as to the source, sponsorship, approval,
14 or certification of goods or services;

15 (3) causes likelihood of confusion or of
16 misunderstanding as to affiliation, connection, or
17 association with or certification by another;

18 (4) uses deceptive representations or designations of
19 geographic origin in connection with goods or services;

20 (5) represents that goods or services have
21 sponsorship, approval, characteristics, ingredients, uses,
22 benefits, or quantities that they do not have or that a
23 person has a sponsorship, approval, status, affiliation,

1 or connection that he or she does not have;

2 (6) represents that goods are original or new if they
3 are deteriorated, altered, reconditioned, reclaimed, used,
4 or secondhand;

5 (7) represents that goods or services are of a
6 particular standard, quality, or grade or that goods are a
7 particular style or model, if they are of another;

8 (8) disparages the goods, services, or business of
9 another by false or misleading representation of fact;

10 (9) advertises goods or services with intent not to
11 sell them as advertised;

12 (10) advertises goods or services with intent not to
13 supply reasonably expectable public demand, unless the
14 advertisement discloses a limitation of quantity;

15 (11) makes false or misleading statements of fact
16 concerning the reasons for, existence of, or amounts of
17 price reductions;

18 (12) engages in any other conduct which similarly
19 creates a likelihood of confusion or misunderstanding;

20 (13) knowingly makes a false or misleading statement in
21 a disclosure of practices regarding uses of information
22 collected in connection with a privacy policy, published on
23 the Internet or otherwise distributed or published,
24 regarding the use of personal information submitted by
25 members of the public.

26 (b) In order to prevail in an action under this Act, a

1 plaintiff need not prove competition between the parties or
2 actual confusion or misunderstanding.

3 (c) This Section does not affect unfair trade practices
4 otherwise actionable at common law or under other statutes of
5 this State.

6 (Source: P.A. 92-16, eff. 6-28-01)